



**GEORGIA GOVERNMENT TRANSPARENCY &
CAMPAIGN FINANCE COMMISSION**

Memorandum

TO: David Emadi
Executive Secretary

FROM: Rachel N. Goldberg
Staff Attorney

DATE: June 16, 2021

RE: RECOMMENDATION FOR ADMINISTRATIVE DISMISSAL
In the Matters of Mark Anthony Stephens and Thomas Ray Barbee
Case Numbers: 20-0049-C & 20-0050-C

On July 31, 2020 the Georgia Government Transparency and Campaign Finance Commission ("Commission") received two third-party complaints filed by Jodi Hawks ("Complainant") alleging that Respondents Mark Anthony Stephens and Thomas Ray Barbee violated the Georgia Government Transparency and Campaign Finance Act ("Act") by failing to disclose campaign expenditures in violation of O.C.G.A § 21-5-34. The basis of these allegations is the same for both Respondents and, for administrative ease, the Commission addresses the allegations in both complaints together.

Respondents Barbee and Stephens are current sitting City Councilmen in Port Wentworth, Georgia. Respondents both ran for re-election in 2019. During their campaigns for re-election it was not uncommon for Respondents to hold joint campaign events.

According to Complainant, in August of 2019 a billboard appeared on the north bound side of Georgia Highway 21 advocating for the re-election of Respondents. (See "Exhibit # 1" to third-party complaints attached hereto as Exhibit A). Complainant alleged that Respondents failed to report any monetary or in-kind donations relating to this billboard. Both Respondents responded to the subject complaints and explained that they did not know who was responsible for purchasing or facilitating the billboard and neither of them accepted any sort of donation or expended any campaign funds relating to the billboard. (See Respondent's responses attached hereto as Exhibit B). The Commission's investigation revealed that the billboard was owned by Larry Jenkins who allowed an individual named Walter Czura to put up the vinyl on the billboard "as a favor" to Walter. (See e-mails from Larry Jenkins attached hereto as Exhibit C). Larry confirmed that he had no contact with anyone besides Walter about the billboard. Respondent's both averred that they do not know Walter Czura.



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Based on this investigation, the Commission finds that Walter Czura acted independently in putting up the subject billboard and therefore neither Respondent Stephens nor Respondent Barbee violated O.C.G.A § 21-5-34.¹

Complainant additionally alleged that Respondent Barbee failed to report a campaign donation/reimbursement in the amount of \$175.00. The basis for this allegation is Respondent Stephens reported on his October 2019 CCDR that he paid Respondent Barbee \$175.00 for a “joint campaign function”, but no corresponding reimbursement was reported by Respondent Barbee. Respondent Barbee’s 2019 CCDRs show that he took in about \$4,500.00 in campaign contributions. \$175.00 is less than 4% of his total contributions. Therefore, Respondent Barbee’s reporting is at least 90% compliant as required by O.C.G.A § 21-5-7.1 and Ga. Comp. R. & Regs. 189-2-.01(24) and the Commission finds no violation of O.C.G.A § 21-5-34.

Since no violations of the Act occurred, there is no basis to proceed. Based upon the foregoing analysis, this complaint should be administratively dismissed pursuant to Ga. Comp. R. & Regs. 189-2-.03(5).

I, David Emadi Executive Secretary of the Georgia Government Transparency and Campaign Finance Commission, agree with the above analysis to administratively dismiss this complaint. Thus, the above-referenced complaint shall stand dismissed.



David Emadi, Executive Secretary



Date

¹ Under a different set of facts Walter Czura’s actions might resemble those of an “Independent Committee”, in which case Mr. Czura would be subject to registration and reporting requirements pursuant to O.C.G.A § 21-5-34(f)(1). However, independent committees are defined under the Act as groups of persons. O.C.G.A. § 21-5-3(15). The Commission has previously expressly found that an individual cannot be a group of persons. *See In The Matter of Timothy Becker (Milton coalition)*, GGTCFC case no. 0171 (2017). While Mr. Czura’s actions constitute express advocacy for Respondents, there is nothing in the Act which prevents an individual from advocating for candidates at the individual’s own expense and/or in their individual capacity and there is no evidence that Mr. Czura was affiliated with any group or organization.

Exhibit #1



DOZIER
LAW FIRM, LLC

Injured? Call/Text Day or Night
912-755-9500 | DozierLaw.com

The billboard features a dark background with a large, stylized 'D' logo on the left. To the right of the logo, the firm's name 'DOZIER LAW FIRM, LLC' is written in a serif font. Below this, a white banner contains the text 'Injured? Call/Text Day or Night' and the phone number '912-755-9500 | DozierLaw.com'. A small, partially visible portrait of a man is on the far left.

Re-Elect November 5
THOMAS BARBEE
MARK STEPHENS
Port Wentworth City Council

August 20, 2020

Via Electronic Mail

jbrowder@ethics.ga.gov

Janene Browder, Staff Attorney

Georgia Government Transparency & Campaign Finance Commission

200 Piedmont Ave SE, Suite 1416 – West Tower

Atlanta, GA 30334

Re: IN THE CASE OF THOMAS RAY BARBEE – CASE NO. 20-050-C

Dear Ms. Browder,

I am writing in response to your letter dated August 4, 2020. The letter references a complaint that alleges a violation of the Georgia Government Transparency & Campaign Finance Act. The complaint accuses me of failing to disclose campaign contributions on my campaign contribution disclosure reports.

The complaint reads, "Councilman Barbee's name and face appeared on a large billboard." There has never been a billboard with my name and face that I am aware of. Please refer to Exhibit 1.

I did not purchase any billboard. I never contacted anyone about a billboard. I was never notified by anyone that a billboard was being purchased. I had no dealings with that billboard whatsoever. The first time that I knew about the billboard is when I saw it from the road when driving. I do not know why the billboard is still up.

If you have any further questions, please let me know.

Sincerely,

Mr. Thomas Barbee
City of Port Wentworth, Councilman At-Large

August 20, 2020

Via Electronic Mail

jbrowder@ethics.ga.gov

Janene Browder, Staff Attorney

Georgia Government Transparency & Campaign Finance Commission

200 Piedmont Ave SE, Suite 1416 – West Tower

Atlanta, GA 30334

Re: IN THE CASE OF MARK ANTHONY STEPHENS – CASE NO. 20-049-C

Dear Ms. Browder,

I received your correspondence dated August 4, 2020 referencing a complaint submitted to your office that alleges a violation of the Georgia Government Transparency & Campaign Finance Act. The complainant alleges that I failed to disclose campaign contributions on my campaign contribution disclosure reports.

To respond to this accusation, I was not aware of the billboard until after it was up. I did not pay for the billboard. I don't know who paid for the billboard and I have no further knowledge of who did.

Please contact me if you have any further questions.

Regards,

Mr. Mark Stephens

Councilman, City of Port Wentworth

From: Larry A. Jenkins
To: Rachel Goldberg
Subject: Re: Inquiry re billboard on Georgia highway 21
Date: Friday, March 26, 2021 9:54:19 AM

[EXTERNAL]

I just did it as a favor for Walter.....we've know each other for over 30 years. This isn't a board that is in high demand (that's the reason it happen to be available), so if I were to sell it to an paying advertiser, it would probably go for \$150/month. I'm not sure the exact date it went up, but I do remember it wasn't up long before the election.....only like a week, maybe ten days (hardly worth the effort).

On 3/26/2021 9:42 AM, Rachel Goldberg wrote:

Thanks for that info, Larry, that does clear up a few things for me.

For clarity, did Walter pay for the space? If not, what would you typically charge for that space? Do you recall when the vinyl went up?

Thanks!

Rachel N. Goldberg
Staff Attorney

Georgia Government Transparency and Campaign Finance Commission
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Phone: (404) 463-1983 | Fax: (404) 463-1988
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From: Larry A. Jenkins <billboardguru@windstream.net>
Sent: Thursday, March 25, 2021 1:48 PM
To: Rachel Goldberg <rgoldberg@ethics.ga.gov>
Subject: Re: Inquiry re billboard on Georgia highway 21

[EXTERNAL]

Hey Rachel,

Walter Czura with Marlin Outdoor over in Hilton Head, SC was responsible for printing the vinyl and having it installed. He asked if I had any open space near Port Wentworth and that he would coordinate with an installer to put up the vinyl. I had no contact with anyone but Walter regarding this board, and put it up as a favor to him.

Feel free to call me if you have any questions or concerns.

Larry Jenkins

912-657-0265

On 3/25/2021 12:13 PM, Rachel Goldberg wrote:

Good afternoon Mr. Jenkins,

My name is Rachel Goldberg and I am an attorney with the Georgia Government Transparency and Campaign Finance Commission. I am seeking information about a billboard located on highway 21 in Georgia between Chatham and Effingham counties (see attached photo). I am investigating a case in which it was alleged that the billboard was purchased by a local political candidate but the purchase was not reported in violation of Georgia law. I was wondering if this is a precision billboard and if so, who I might be able to speak with to obtain information about the purchaser of this ad.

Any assistance you are able to provide would be most appreciated.

Thanks,

Rachel N. Goldberg
Staff Attorney

Georgia Government Transparency and Campaign Finance Commission
200 Piedmont Ave. SE, Suite 1416 - West Tower | Atlanta, GA 30334

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